

Judge Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAJOR MARGARET WITT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF THE AIR
FORCE; ROBERT M. GATES, Secretary of
Defense; MICHAEL B. DONLEY, Secretary of the
Department of Air Force; and COLONEL
JANETTE L. MOORE-HARBERT, Commander,
446th Aeromedical Evacuation Squadron,
McChord AFB;

Defendants.

No. C06-5195 RBL

DEFENDANTS' NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that all Defendants hereby appeal to the United States Court of Appeals for the Ninth Circuit from the Judgment dated September 24, 2010 (Docket Nos. 166, 165), the Findings of Facts and Conclusions of Law dated September 24, 2010 (Docket No. 164), the Memorandum Opinion dated September 24, 2010 (Docket No. 163), as well as the Minute Order dated March 12, 2010 (Docket No. 70).

Dated: November 23, 2010

Respectfully submitted,

1 TONY WEST
2 Assistant Attorney General

3 VINCENT M. GARVEY
4 Deputy Branch Director

5 */s/ Peter J. Phipps*

6 PETER J. PHIPPS
7 BRYAN R. DIEDERICH
8 STEPHEN J. BUCKINGHAM
9 United States Department of Justice
10 Civil Division, Federal Programs Branch
11 Tel: (202) 616-8482
12 Fax: (202) 616-8470
13 E-mail: peter.phipps@usdoj.gov

14 Mailing Address:
15 Post Office Box 883, Ben Franklin Station
16 Washington, D.C. 20044

17 Courier Address:
18 20 Massachusetts Ave., N.W.
19 Washington, D.C. 20001

20 *Attorneys for Defendants*

21
22
23
24
25
26
27
28
Of Counsel:
LT. COL. TODI CARNES
1777 N. Kent Street, Suite 11400
Rosslyn, VA 22209-2133
(703) 588-8428

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2010, I electronically filed the foregoing Defendants' Notice of Appeal, with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons:

James E. Lobsenz, Esq.
Carney Badley Spellman, P.S.
701 Fifth Avenue, Suite 3600
Seattle, WA 98104
Tel: (206) 622-8020
Fax: (206) 622-8983
E-mail: lobsenz@carneylaw.com

Sarah A. Dunne, Esq.
American Civil Liberties Union of Washington
901 Fifth Avenue, Suite 630
Seattle, WA 98164
Tel: (206) 624-2184
E-mail: dunne@aclu-wa.org

Sher S. Kung, Esq.
American Civil Liberties Union of Washington
901 Fifth Avenue, Suite 630
Seattle, WA 98164
Tel: (206) 624-2184
E-mail: skung@aclu-wa.org

/s/ Peter J. Phipps
PETER J. PHIPPS
United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883, Ben Franklin Station
Washington, DC 20044
Tel: (202) 616-8482
Fax: (202) 616-8470
E-mail: peter.phipps@usdoj.gov
Attorney for Defendants